

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
A SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT PERMIT
ISSUED BY CITY OF TACOMA,

THOMAS ECHERT,

Appellant,

v

CITY OF TACOMA and WASHINGTON
SERVICES, INC.,

Respondents.

SHB No. 80-19

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, a request for review of the granting of a shoreline substantial development permit to Washington Services, Inc., by the City of Tacoma, came before the Shorelines Hearings Board, Nat Washington, chairman, David Akana, William A. Johnson, Robert S. Derrick, and Del Anderson on September 22, and 23, 1980, in Tacoma, Washington.

Appellant appeared pro se; respondent Washington Services, Inc.,

1 was represented by its agent, Douglas Webb, president of Subdivision
2 Management, Inc.; respondent City of Tacoma was represented by its
3 attorney, Harding Roe.

4 Having heard the testimony, having examined the exhibits, and
5 having considered the contentions of the parties, the Board makes these

6 FINDINGS OF FACT

7 I

8 The proposed substantial development is the construction of a 15
9 to 18 inch storm drainage line and outfall to the Tacoma Narrows from
10 the upland preliminary plat of Parkside, located in the vicinity south
11 of Point Defiance Park and west of Mildred Street down into the
12 Narrows. The drainage line would collect runoff from the streets in
13 the plat and along the westernmost lot lines in the plat. The line
14 would leave the plat at about the midpoint of its south boundary line
15 and cross the eastern slope of the Tacoma Narrows in a southerly
16 direction for about 1000 feet. From that point the line would turn
17 west for about 200 feet and terminate at a discharge point at the mean
18 high water line of the Tacoma Narrows about 150 feet from the Salmon
19 Beach Community. The discharge point is also the northerly terminus
20 of the Burlington Northern Railroad ballast fill, which fill consists
21 of crushed rock and quarry spalls buttressed by a rock wall.

22 Additional quarry spalls and riprap are to be added at the discharge
23 point to prevent erosion. The shoreline at the discharge point is
24 presently covered with riprap and is not an undisturbed or unintruded
25 shoreline. The ground lying within 200 feet of the shoreline has a 40

1 to 60 percent slope. The predominate ground cover is sallal; the
2 predominate trees are maple and madrona. Approximately 300 feet of
3 the drainage line lies within 200 feet of the shoreline.

4 On May 20, 1980, the City Council considered the application and
5 the permit recommended by the hearing examiner. The council approved
6 the permit with conditions and the matter was appealed to this Board.

7 II

8 Located 150 feet north of the discharge point are 83 houses which
9 are collectively known as Salmon Beach. The community is located
10 within a historic district and is listed on the state register of
11 historic places. One of the houses in the district is listed on the
12 national register of historic places. The lack of a consistent
architectural theme is a notable characteristic of the community. To
14 the northeast of the community situtated on a hill about 200 feet
15 above will be situated the plat of Parkside, a residential development.

16 III

17 Appellant is one of the 200 residents of the Salmon Beach
18 community. He is concerned about the potential water quality
19 degradation at Salmon Beach from the drainage discharge, its effect
20 upon aquatic life and resultant loss of a food resource. Another
21 concern is the location of and the slide risks brought by the drain
22 line on the slope above Salmon Beach.

23 IV

24 A draft and final environmental impact statement (EIS) were
25 prepared for the proposed preliminary plat. Therein, the geology of

1 the area including the plat and the hillside down to the Narrows was
2 subjected to critical evaluation. The geology underlying the path of
3 the drainage line after it leaves the plat was not discussed in the
4 EIS and geologists for opposing parties have differing opinions as to
5 whether the underlying structure found in the plat continues to the
6 south. There is essential agreement that the ground is less stable at
7 elevations below 160 feet and conceivably up to 200 feet within the
8 Parkside plat. Appellant's geologist stated that the pipe itself
9 would not cause a landslide; it could, however, be in the area of a
10 slide, break, and cause a greater slide.

11 V

12 The construction of the proposed development would be constructed
13 underground, for the most part, and would involve minimal disturbance
14 to the hillside and beach. The proposed drainage line was not shown
15 likely to fail.

16 VI

17 Two oil/water separators are to be located in the plat. Some of
18 the oil, depending upon the efficiency and maintenance of the
19 separators will be removed from the water before discharge into the
20 Narrows. Other pollutants associated with runoff from a residential
21 development, if present in the water, could be discharged into the
22 Narrows. The amount of such pollutants would be small and would have
23 no measurable impact on the water quality in the Narrows.

24 VII

25 The drainage system is designed to carry a 100-year frequency
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1 flood from the plat of Parkside and other developments within the
2 particular drainage basin.

3 VIII

4 The Tacoma Master Program (TMP) places the proposed development in
5 a conservancy environment designation. Development in such an
6 environment is intended to be limited to maintain the existing
7 character of the area. Utilities are a permitted activity if placed
8 underground and any disturbed banks is restored and revegetated. The
9 proposed development, as conditioned by the city, is consistent with
10 the TMP provisions raised in this appeal.

11 IX

12 Any Conclusion of Law which should be deemed a Finding of Fact is
hereby adopted as such.

14 From these Findings the Board comes to these

15 CONCLUSIONS OF LAW

16 I

17 The instant substantial development is evaluated for consistency
18 with the adopted and approved master program and the provisions of the
19 Shoreline Management Act (SMA). RCW 90.58.140(2)(b).

20 II

21 The policy of the Act "contemplates protecting against adverse
22 effects to the public health, the land and its vegetation and
23 wildlife, and the water of the states and their aquatic life . . .".
24 Uses which are permitted in the shorelines "shall be designed and
25 conducted in a manner to minimize, insofar as practical, any resultant

1 damage to the ecology and environment of the shoreline area . . .".
2 RCW 90.58.020. The proposed development was not shown to be
3 inconsistent with the provisions of the SMA.

4 III

5 The respondents have proposed a plan for the design, maintenance,
6 and operation of a drainage system which has not been shown to be
7 likely to cause significant consequences in terms of environmental,
8 property, or life endangerment.

9 IV

10 The proposed development has not been shown to be inconsistent
11 with the master program.

12 V

13 The actions of the City of Tacoma and the shoreline substantial
14 development permit should be affirmed.

15 VI

16 In view of our conclusions, we do not comment on appellant's
17 proposed alternative to the proposed drainage system.

18 VII

19 Any Finding of Fact which should be deemed a Conclusion of Law is
20 hereby adopted as such.


21 From these Conclusions the Board enters this
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ORDER


The substantial development permit is affirmed.

DONE this 4th day of November, 1980.

SHORELINES HEARINGS BOARD


NAT W. WASHINGTON, Chairman


DAVID AKANA, Member


DELMON ANDERSON, Member


ROBERT S. DERRICK, Member


WILLIAM A. JOHNSON, Member